

**FINAL REPORT  
OF THE  
INTERIM STUDY COMMITTEE ON  
PUBLIC SAFETY ISSUES**



**Indiana Legislative Services Agency  
200 W. Washington Street, Suite 301  
Indianapolis, Indiana 46204**

**October, 2000**

# INDIANA LEGISLATIVE COUNCIL

## 2000

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# INTERIM STUDY COMMITTEE ON PUBLIC SAFETY ISSUES

## Membership Roster

### Senators

Thomas Wyss, Chairperson  
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Eric Turner  
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### Staff

Susan Montgomery  
Attorney for the Committee

Beverly Holloway  
Fiscal Analyst for the Committee

A copy of this report is available on the Internet. Reports, minutes, and notices are organized by committee. This report and other documents for this Committee can be accessed from the General Assembly Homepage at <http://www.state.in.us/legislative/>.

## **I. LEGISLATIVE COUNCIL DIRECTIVES**

The Legislative Council directed the Committee to do the following:

- (1) Study the need for traffic control indicators on police cars.
- (2) Study issues related to uninsured motorists and uninsured motorist insurance.
- (3) Study issues relating to the development of a statewide mechanism to review unexplained or unexpected child fatalities in Indiana.
- (4) Study the fireworks industry in Indiana, including enforceability of and advisability of reexamining existing laws pertaining to fireworks.

## **II. INTRODUCTION AND REASONS FOR STUDY**

- (1) The basis of the Committee charge concerning the need for study of traffic control indicators on police cars is House Concurrent Resolution 27, authored by Representative Burton.
- (2) The basis of the Committee charge concerning the need for study of the issues related to uninsured motorists and uninsured motorists insurance is House Bill 1144, authored by Representative M. Smith.
- (3) The basis of the Committee charge concerning the need for study of the issues related to the development of a statewide mechanism to review unexplained or unexpected child fatalities in Indiana is House Bill 1193, authored by Representative Dickinson and Representative Budak.
- (4) The basis of the Committee charge concerning the need for study of the fireworks industry in Indiana, including enforceability of and advisability of reexamining existing laws pertaining to fireworks is House Resolution 92, authored by Representative Espich.

## **III. SUMMARY OF WORK PROGRAM**

The Committee met on five occasions at the State Capitol Building during the interim following the conclusion of the 2000 session as follows:

- (1) The first meeting was held on July 12, 2000, and was an organizational meeting.
- (2) The second meeting was held on August 9, 2000, and was devoted to the topic of reviewing unexplained or unexpected child fatalities in Indiana.
- (3) The third meeting was held on August 29, 2000, and was devoted to the topic of the fireworks industry in Indiana, including enforceability of and advisability of reexamining

existing laws pertaining to fireworks.

(4) The fourth meeting was held on September 13, 2000, and was devoted to the topic of uninsured motorists and uninsured motorist insurance.

(5) The fifth meeting was held on October 5, 2000, and studied the topic of the need for traffic control indicators on police cars. The Committee discussed potential legislation concerning unexplained or unexpected child fatalities in the state.

#### **IV. SUMMARY OF TESTIMONY**

The Final Report is a general summary of the testimony and comments received by the Committee. The Committee minutes are located on the Internet at [www.state.in.us/legislative/committees/icps.html](http://www.state.in.us/legislative/committees/icps.html).

##### **A. FIRST MEETING (July 12, 2000)**

The Committee reviewed the charge from Legislative Council Resolution 00-1. The Committee heard a short presentation from Denise Malayeri, from Prevent Child Abuse Indiana, Susan Preble and Amy Brown from the Family and Social Services Administration (FSSA), and Tracy Boatwright, the Indiana State Fire Marshal, as representatives of the Indiana Child Fatality Review Task Force (Task Force). They explained that the Task Force had an interest in the issue of sudden or unexplained and unexpected child deaths, with the goal of educating the public as to how to prevent deaths in the future.

John Keeler and Chip Garver, representing the Indiana Fireworks' User's Association, and John Livengood, representing Shelton Fireworks, were involved in a discussion with the Committee concerning fireworks law in Indiana.

Representative Mike Smith, a member of the Committee, led the Committee's discussion regarding uninsured motorists in Indiana. Various suggestions were made as to how to guarantee that a vehicle is insured before operation on the roads.

Chairperson Wyss explained that traffic control indicators can now be mounted on public safety vehicles to indicate how oncoming traffic should approach the vehicle.

##### **B. SECOND MEETING (August 9, 2000)**

The Committee heard testimony from Denise Malayeri, from Prevent Child Abuse Indiana, concerning the need for a Child Fatality Task Force to investigate instances when a child dies suddenly, or in an unexplained or unexpected manner. Discussion ensued concerning the body in a county or region that would oversee these teams; the coroner or the local health department might be the proper body. It was proposed that there would not be a mandate to set up these teams.

Dr. William Lewis from Ft. Wayne explained to the Committee that when a child dies unexpectedly, it becomes a coroner's case. If the death is not determined to be a homicide or a criminal case, the investigation stops. However, Child Fatality Task Forces are a means to encourage education to prevent future deaths. Discussion ensued concerning the desire by those

giving testimony as to a guarantee of the need for confidentiality at a meeting of a team.

Robert Hellman spoke representing the Indiana Trial Lawyer's Association concerning confidentiality and immunity for members of the team. The Committee requested that legislation be prepared on this topic.

### **C. THIRD MEETING (August 29, 2000)**

The Committee heard testimony concerning Indiana's fireworks industry, concerning the economic impact upon the state, from both a sales and income aspect. Testimony was received from individuals involved in sales of fireworks, and from the Indiana State Fire Marshal as to the enforceability of the current statute. Several fire chiefs spoke as to their professional dissatisfaction with the current law, including a fire chief from an adjoining community in Illinois. An animal control director spoke as to the effect that the discharge of fireworks have on animals. A professor of ophthalmology spoke regarding the incidents of eye injury attributable to fireworks use.

Chairperson Wyss decided that any legislation on this subject should be drafted after the pending Indiana Court of Appeals decision is handed down.

### **D. FOURTH MEETING (September 13, 2000)**

Senator James Merritt presented a potential bill concerning uninsured motorists. Among other items, the bill proposed to change the amount charged for reinstatement after a suspension for failure to provide proof of financial responsibility, and raised the penalties for driving without financial responsibility. The Committee discussed the need for insurance, and what might be done legislatively to require individuals to have insurance before driving. A representative of the Insurance Institute of Indiana spoke against any requirement of an insurance card to be carried in the vehicle, or a procedure to have on-line verification with insurance companies. Their view is that a card is only valid on the day of issuance, and that individuals who do not have insurance usually fail to ever have it.

The Committee did not vote to recommend the potential legislation.

### **E. FIFTH MEETING (October 5, 2000)**

The Committee heard testimony from Sheriff Jim Herman and Captain Greg Roth of Allen County, Lieutenant Rex Farrell, Indiana State Police, and Colonel Larry Allen of the Indiana Department of Natural Resources concerning the topic of the need for traffic control indicators on police cars. Andrea Marshall of Prevent Child Abuse Indiana spoke in regards to a preliminary draft prepared for the Committee on the subject of child fatality review teams. The Committee voted to endorse the concept of Child Fatality Review teams but the Committee did not endorse any specific language nor conditions, by a 5-2 vote. The Committee also recommended that if no legislation on the subject of Child Fatality Review Teams passes in 2001 session, that this topic be studied once again by an Interim Committee.

Senator Ford made a motion to accept the Final Report, and Representative Weinzapfel seconded the motion. The motion passed by affirmation, with Senators Wyss, Ford, and Blade in favor, and Representatives Weinzapfel, Mock, Crooks, and M. Smith also in favor.

## **V. COMMITTEE FINDINGS AND RECOMMENDATIONS**

The Committee made the following findings of fact: None.

The Committee made the following recommendations:

The Committee made no recommendation on this subject of the fireworks industry in Indiana

The Committee made no recommendation as to the issue of traffic control indicators on police cars.

The Committee made no recommendation as to the issue of uninsured motorists and uninsured motorists insurance.

The Committee endorsed the concept of Child Fatality Review teams but the Committee did not endorse any specific language nor conditions. The Committee recommended that if no legislation on the subject of Child Fatality Review Teams passes in 2001 session, that this topic be studied once again by an Interim Committee.

## WITNESS LIST

Denise Malayeri, Prevent Child Abuse Indiana  
Tracy Boatwright, Indiana State Fire Marshal  
Mara Snyder, Counsel, Indiana State Fire Marshal's Office  
State Representative Mike Smith  
Mike Chrysler, Insurance Institute of Indiana  
James Hmurovich, Director of the Division of Family and Children  
Dr. William Lewis, M.D. Medical Director, Newborn Intensive Care Unit, Parkview Hospital, Ft. Wayne, Indiana  
Dick Alfeld, Chief Investigator, Allen County, Indiana, Coroner's Office  
Dr. John Pless, M.D. Professor of Pathology, Indiana University School of Medicine  
Robert Sembroski, Deputy Prosecuting Attorney for the Fifth Judicial Circuit, Indiana  
Sally Garrett, Court Appointed Special Advocate/Guardian ad litem, Marion County, Indiana  
Robert Hellmann, Indiana Trial Lawyers' Association  
Dr. Lee Craig, Ph. D., Department of Economics, North Carolina State University  
Richard Shields, Muncie, Indiana  
John Brooke, Attorney at Law, Muncie, Indiana  
Dr. John Conkling, Ph.D, Executive Director, American Pyrotechnics Association  
Jeff Dropo, Gas City, Indiana  
Greg Shelton, Shelton Fireworks, Porter, Indiana  
Fred Hinds, Indiana Fire Chiefs Association  
Dr. Ronald Danis, Indiana Academy of Ophthalmology  
Daniel Georgevich, Fire Chief, Calumet City, Illinois  
Kay Amsden, Indiana Animal Care and Control Association  
Karl Shake, Fire Chief, Hammond, Indiana  
State Senator James Merritt  
Warren Mathies, Indiana Trial Lawyers' Association  
Sheriff Jim Herman, Allen County Sheriff  
Captain Greg Roth, Allen County Sheriff's Department  
Lieutenant Rex Farrell, Indiana State Police  
Colonel Larry Allen, Division of Natural Resources  
Mike Eslinger, Indiana Sheriff's Association